

# EXHIBIT M

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL and )  
HERMÈS OF PARIS INC., )  
 )  
Plaintiffs, )  
 )  
vs. ) No.  
 ) 1:22-CV-00384-JSR  
MASON ROTHSCHILD, )  
 )  
Defendant. )  
----- )

September 23, 2022  
9:32 a.m.

Deposition of BLAKE GOPNIK, held at the  
offices of Baker & Hostetler LLP, 45  
Rockefeller Plaza, New York, New York,  
pursuant to subpoena, before Laurie A.  
Collins, a Registered Professional Reporter  
and Notary Public of the State of New York.

1 Gopnik

2 A. Not for a layman, just as I wouldn't be  
3 able to tell a knowledgeable sports reporter from  
4 one who isn't knowledgeable.

5 Q. Are there any objective criteria that 12:07:53  
6 can be used to distinguish a knowledgeable art  
7 critic from an ignorant art critic?

8 A. I think if you looked at the course of  
9 their career and saw if they were -- held  
10 interesting, complex views about art, you'd say, 12:08:08  
11 yes, this person is interesting and this other  
12 person uses clichés, et cetera, and therefore is  
13 not interesting.

14 (Discussion off the record.)

15 Q. Are you aware of any consensus among 12:08:57  
16 art critics that the images in NFTs produced and  
17 sold by Mason Rothschild find their natural and  
18 obvious home among the artistic experience carried  
19 out by modern artists over the last century?

20 A. There is no consensus among art critics 12:09:15  
21 on pretty much any issue. For instance, I find  
22 the Mona Lisa a fairly trivial object, and most  
23 art critics would disagree with me.

24 Q. Referring to page 5, paragraph 11. The  
25 first sentence begins, By the end of the 1960s, 12:10:02

1 Gopnik

2 Andy Warhol had filled New York galleries with any  
3 number of projects that were clearly art.

4 Why were these projects clearly art?

5 MR. SPRIGMAN: Objection, misstates 12:10:27  
6 this point only in part.

7 But go ahead.

8 A. Within the context of that moment,  
9 there are expectations about what art might be in  
10 that, you know, from let's say 1966, shall we say. 12:10:38  
11 There were expectations of what you'd see in an  
12 art gallery, and they fulfilled some of those  
13 expectations.

14 Q. You used the passive voice there,  
15 "there were expectations." Whose expectations are 12:10:56  
16 you referring to?

17 A. The expectations of the art world at  
18 that moment.

19 Q. And what was the art world at that  
20 moment? 12:11:07

21 MR. SPRIGMAN: Objection.

22 A. That's a very hard question to answer.  
23 I'm not sure I know the scope of it. Well, at  
24 that moment I'm referring specifically to a  
25 sophisticated audience within New York. That's 12:11:19

Gopnik

the only people he was speaking to at that moment.

So it would be people who went to galleries,

talked about art, bought art, wrote about art. He

would have been unknown to many other communities. 12:11:37

Q. Referring to paragraph 38 on page 17,  
referring to the sentence towards the bottom of  
the paragraph which states --

A. 38, it was?

Q. 38, yeah, 38, page 17. And the 12:12:40  
sentence a little bit -- the second-to-last  
sentence where it states, It is almost impossible  
to imagine that Hermès would have chosen to create  
similarly fur-covered purses or uterus bags as  
Rothschild's earlier Baby Birkin project, whether 12:13:03  
in reality or as NFTs in the coming metaverse.

When you state "it is almost impossible  
to imagine," who are you referring to there?

A. I think anyone who's familiar with the  
Hermès brand. 12:13:23

Q. You describe fur -- the fur on  
MetaBirkins as sheer absurdity. What is absurd  
about fur on a Birkin?

MR. SPRIGMAN: Objection.

A. Birkins I would say in their classic 12:13:46